

REMARKS

The Examiner's rejection of claims 1-5, 7, 9, 10-16, 18 and 20 under 35 U.S.C. 102(e) as being anticipated by Banet, et al. is respectfully traversed. A 35 U.S.C. 102 rejection of anticipation requires that each and every element of the invention, if it is an apparatus invention, or each and every element and step of a method, if it is a method invention, be present in the reference of record.

It is applicant's position that the Banet, et al. reference is completely different in structure and function than applicant's claimed invention, both as to the apparatus claims and the method claims presented by the applicant as amended. The Banet, et al. invention includes a method and apparatus for remotely characterizing a vehicle emission performance. Applicant's method and apparatus allows a user facility that produces breathing air to determine air quality that is certified. The Banet device uses a sensor in a vehicle exhaust pipe. In applicant's claimed method and apparatus, a user that produces breathing air such as for scuba tanks and firemen, gathers a sample of breathing air which has to be certified as meeting purity standards remotely by a qualified third party. Applicant's claimed invention saves immense amounts of time and ensures the safety and high standards of compressed air facilities that provide breathing air through relatively high speed data interchange on-line that alleviates having to take a breathing sample to the third party facility. The Banet reference does not suggest the method and apparatus used in the method to achieve applicant's extremely desirable breathing air test and

certification process since the Banet, et al. device deals with a completely different problem in a different environment.

The Banet device puts a sensor in the exhaust pipe which can then transmit data concerning the exhaust to a remote location. The remote characterization of a vehicle emission performance for EPA is a completely problem than the one faced by applicant and solved by applicant in the amended claims presented herein. The third party certification is immensely critical in certifying breathing air for public safety especially of those who use air for scuba diving or firemen using bottled air. These devices must be checked constantly and, in particular, the compressors used to ensure safe air at all times. Applicant's improved solution, both as to the apparatus and method used, significantly impacts the monitoring of breathing air by having almost instantaneous testing and read back to the user's site that provides the air.

Applicant has amended claims 1 through 20, both as to apparatus and method, to specifically emphasis the fact that applicant is measuring and treating breathing air. Further, applicant includes the user computer and the collection of samples at the user's facility, conversion to computer-readable data that goes to a server maintained by quality control, third parties who can measure and certify the standards of breathing air that can quickly send the test results back to the user and the user's computer. As stated above, for 35 U.S.C. 102 anticipation, each and every element of the invention must be shown in the reference. Banet, et al. does not show the user computer for receiving computer data maintained at the user's site that includes a breathing air analysis module that can convert

data to computer-readable data. Further, Banet, et al. does not have a server that is maintained by a qualified third party for certification that is accessible on-line to the user's computer. Thus, it is applicant's position that claims 1, 3, 5, 9, 11, 12, 14, 18 and 20 are allowable over Banet, et al.

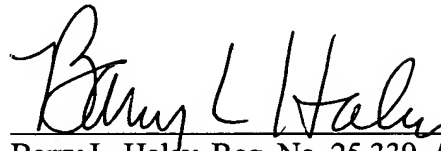
The Examiner rejection of claims 6, 8, 10 and 19 under 35 U.S.C. 103 as unpatentable over Banet is respectfully traversed. It is applicant's position that the amended claims, as presented by applicant, clearly define an invention that is not suggested to one of ordinary skill in the art reading Banet. The problem is different. Applicant provides and claims remote sampling of the purity of breathing air from a user facility that generates the breathing air directly to a third party facility for certification that has a server specifically maintained to receive the purity data. Applicant's method can quickly transmit the test results back to the user facility, saving literally up to weeks in several instances so that a bad batch of air can be instantly recognized at the user facility without having to wait weeks for results. There is no suggestion in Banet to test breathing air in the apparatus and manner claimed by applicant in the amended claims.

It is believed that the claims as presented are allowable over the art of record.

In re application of: LAUGLIN, Robert M.
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Respectfully submitted,

A handwritten signature in cursive script, reading "Barry L. Haley", is written over a horizontal line.

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